



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-W

MAR 13 2007

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

William T. Bass, Forest Supervisor
USDA Forest Service, Bighorn National Forest
2013 Eastside 2nd Street
Sheridan, WY 82801

Re: Administrative Order
Sibley Lake Campground
Bighorn National Forest
Docket No. **SDWA-08-2007-0034**
PWS ID # WY5680231

Dear Mr. Bass:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f, et seq., and its implementing regulations. Among other things, the Administrative Order finds that Sibley Lake Campground is a public water supplier as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.201, 141.21(g)(1), and 141.31(b) for failure to comply with the Maximum Contaminant Level (MCL) for total coliforms, failure to provide public notice of the noncompliance, failure to report to EPA violations of the MCL for total coliforms, and failure to report to EPA noncompliance with NPDWRs.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to the assessment of administrative penalties, or other actions to the fullest extent permitted by law.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Jeff McPherson at the address on the letterhead, include the mailcode 8ENF-W, or you may call Mr. McPherson at (800) 227-8917, extension 6362, or (303) 312-6362. If you wish to have an informal conference with EPA, you may also call or write Mr. McPherson. If you are




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represented by an attorney or have legal questions, please call Jessie Goldfarb at the above 800 number, extension 6926, or at (303) 312-6926.

We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice

Enclosures
Order

cc: WDEQ (via email)
WDH (via email)
Bruce Kjerstad, Civil Engineer Technician



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MAR 13 2007

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Sheridan County Commissioners
c/o Terry Cram, Chair
224 South Main Street, Suite B-1
Sheridan, WY 82801

Re: Notice of Safe Drinking Water Act
Enforcement Action against Sibley
Lake Campground – Bighorn National
Forest
PWS ID# WY5680231

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an Administrative Order (Order) to a public water supply system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally-elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing such an Order to a public water supply system in your county.

An Order is being issued under Section 1414 of the SDWA to Sibley Lake Campground public water system near Dayton, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). This system is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.201, 141.21(g)(1), and 141.31(b) for failure to comply with the Maximum Contaminant Level (MCL) for total coliforms, failure to provide public notice of the noncompliance, failure to report to EPA violations of the MCL for total coliforms, and failure to report to EPA noncompliance with NPDWRs.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commissioners. If you have any questions regarding this Order, please contact Jeff McPherson at (303) 312-6362.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 MAR 13 AM 9:53

IN THE MATTER OF)

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FILED
EPA REGION VIII
HEARING CLERK

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USDA Forest Service, Bighorn)

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National Forest - Sibley Lake)

)

Campground, Sheridan, Wyoming,)

)

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Respondent.)

)

ADMINISTRATIVE ORDER

Proceedings under Section 1414(g))

)

of the Safe Drinking Water Act,)

)

42 U.S.C. § 300g-3(g))

)

Docket No. **SDWA-08-2007-0034**

)

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The United States Department of Agriculture (USDA) Forest Service (Respondent) is a Federal Agency and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, Sibley Lake Campground Water System (System), located in Sheridan County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least



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- 60 days out of the year and is therefore considered a non-community water system.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the SDWA, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
 5. According to an August 28, 2002 sanitary survey by Water Connections (an agent for EPA), Respondent operates a system that is supplied solely by a ground water source consisting of one well operating daily since September 1982, and serves approximately 50 persons through six service connections seasonally from May 15 through October 31.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires non-community ground water public water systems with an average daily population of less than 1,001 to monitor the water at least once per quarter to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the System during August 2002, August 2005, and July 2006 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the national primary drinking water regulations (NPDWR), including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the noncompliance for the August 2002 total coliform bacteria MCL violation detailed in Section I, above, in violation of 40 C.F.R. § 141.201.

III.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violations detailed in Section I, above, in violation of 40 C.F.R. § 141.21(g)(1).

IV.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Section II, above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Sections 1414(g) and 1445(a)(1)(B) of the SDWA, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the total coliform MCL as stated in 40 C.F.R § 141.63.
2. If additional Total Coliform Rule MCL violations occur while this Order is in effect, Respondent shall, within 60 days of the next violation, submit to EPA detailed plans for bringing Respondent's public water system into compliance with the MCL for coliform bacteria. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 180 days of the first violation after the effective date of this Order), and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. Please be advised that any modifications must also be approved by the State prior to construction.
3. Within 30 days from the opening date of the 2007 season, Respondent must provide public notice of the noncompliance for the August 2002 total coliform bacteria MCL violation, to return to compliance with 40 C.F.R. §§ 141.201, 141.204, and 141.205. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201, et seq., following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). This notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations

throughout the distribution system frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; and (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice described in (1) and (2), above, including publication in a local newspaper or newsletter distributed to customers; use of email to notify employees or students; or, delivery of multiple copies in central locations.

4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR to EPA within 48 hours.
6. Reporting requirements specified in this Order shall be provided by certified mail to:

U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop Street
Denver, CO 80202-1129

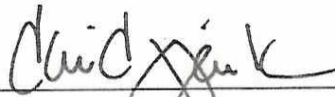
GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1, et seq., or the SDWA, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the SDWA.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. §

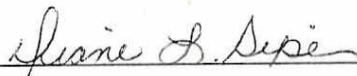
300g-3(g)(3)(B), or other enforcement actions to the fullest extent permitted by law.

3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance.

Issued this 13th day of March, 2007.



David J. Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice